

P R O P O S E D  
Z O N I N G  
O R D I N A N C E

for

NEWARK, NEW JERSEY

DECEMBER 1948  
(As revised, November 1947)



The Board of Commissioners of the City of Newark do ordain:

Section 1: DEFINITIONS.

Certain words in this ordinance are defined for the purpose thereof as follows:

1. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure". The word "zone" includes the word "district"; the word "occupied" includes the word "designed or intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used".

2. Accessory Building: A subordinate building not more than one and one-half stories in height, the use of which is incidental to that of the main building or to the use of the premises.

3. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

4. Apartment House: See "Dwelling, Multiple".

5. Basement: A story, the floor of which is more than one foot below the curb level at the center of the street front of the building, but not more than one-half of the story height below said curb level. Where the walls of a building do not adjoin a street or building line, then the average level of the ground on which the building stands may be taken in lieu of the curb level.

6. Boarding House: A dwelling, other than a hotel or restaurant, where, for compensation, meals or lodging and meals, are provided for more than two (2) persons.

7. Building. Any temporary or permanent stationary structure, fence, wall or enclosure, built either above or below the ground.

8. Building, Height of: The vertical distance measured in the case of flat roofs from the curb level to the level of the highest point of the roof beams adjacent

to the street wall, and in the case of pitched roofs, from the curb level to the average height level of the gable. In the case of both flat roofs and pitched roofs, the measurement shall be made at the center of the street facade. Where there are structures wholly or partly above the roof, the height shall be measured from the curb level to the level of the highest point of the building. Where a building stands or is to be erected on sloping ground, or will be set back from the street building line, the average level of the ground adjoining the walls of the building may be taken in measuring its height instead of the curb level.

9. Building Area: The maximum horizontal projected area of a building and its accessories.

10. Cellar: A story having more than one-half ( $\frac{1}{2}$ ) of its height below the curb level at the center of the street front of the building. Where the walls of a building do not adjoin a street or a building line, then a cellar is a story having more than one-half ( $\frac{1}{2}$ ) of its height below the average level of the ground on which the building stands.

11. Court: An open unoccupied space other than a yard, on the same lot with a building. A court not extending to a yard or street is an "inner court". A court extending to a yard or street is an "outer court".

(a) The "least dimension" of a court is the least of the horizontal dimensions of such court. If two opposite ends of a court are not parallel, the horizontal dimension between them shall be deemed the mean distance between them.

(b) The "height of a court" is the vertical distance between the lowest level of such court and the highest point of any bounding wall exclusive of roof structures.

12. Curb Level: The permanently established grade of the street in front of the lot.

13. Dwelling: Any building or portion thereof, which is designed for or occupied exclusively for residential purposes.

14. Dwelling, Single Family: A building designed for or occupied exclusively by one family.

15. Dwelling, Two Family: A building designed for, or occupied exclusively by two families.

16. Dwelling, Multiple: A building or portion thereof designed for, or occupied by more than two families, living independently of each other and doing their cooking upon the premises.

17. Family: Any number of persons living together as a single housekeeping unit, whether related to each other legally or not; and shall be deemed to include servants, but, in no case shall a lodging house or a boarding house be classified as a single housekeeping unit.

18. Frontage: All the property on one side of a street or place between two intersecting streets or places measured along the line of the street or place, or if the street or place is terminated without intersecting another street or place, then all of the property abutting on one side between an intersecting street or place and the terminus of the street or place.

19. Garage, Private: A building designed for the storage of not more than three non-commercial motor vehicles, and in which no business, service or industry connected with motor vehicles is conducted or rendered.

20. Garages, Public: Any building or premises used for the storage of one or more automobiles or parts of automobiles or other self-propelled vehicles, not including motorcycles, whether such storage be for manufacture, repair, demonstration, sale, rental, hire, painting, adjustment or equipment.

An automobile salesroom conducted exclusively for the exhibition of not more than twenty vehicles shall not be classed as a public garage.

21. Garage, Storage: Any building or premises used for housing only of motor-driven, non-commercial, vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not stored or sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

22. Garden-Apartments: A group of buildings not more than two and one-half (2½) stories in height, each building to contain not more than twelve (12) dwelling units with no portion of the building below the first floor or above the second floor designed or used for dwelling purposes, provided the minimum distance between buildings shall be twenty (20) feet and that no building shall have

a frontage of more than one hundred fifty (150) feet between side yards.

23. Gasoline Filling Station: A building or premises used for the retail sale of gasoline or fuel for the operation of motor vehicles and the minor servicing including a one-bay laundry and the retail sale of accessories incidental thereto.

24. Home Occupation: Any occupation other than that of operating a beauty parlor, barbershop, convalescent or nursing home, tourist home, massage or similar establishment, offering services to the general public, carried on by a member of the family residing on the premises in connection with which there is used no name plate exceeding one square foot in area, nor any artificial lighting, nor any display that will indicate from the exterior that the building is being utilized in whole, or in part, for any purpose other than that of a dwelling, and in connection with which there is kept no stock in trade nor commodity sold upon the premises, no person is employed other than a member of the family residing on the premises and no mechanical equipment is used, except such as is customary for purely domestic or household purposes.

25. Hotel: Any building having ten or more sleeping rooms or where accommodations for more than twenty (20) persons are provided and in which for compensation, lodging is provided with meals served in a public dining room.

26. Laundrette: An establishment for the washing of clothing in which such washing is performed on a self-service basis with the use of mechanical equipment, and for which a fee is charged. No laundrette shall contain more than twenty-four (24) washing units.

27. Lodging House: A dwelling other than a hotel, where, for compensation, lodging only is provided for more than twenty (20) persons.

28. Lot: A parcel of land, the location, dimensions and boundaries of which are determined by the latest official record.

29. Lot, Corner: A parcel of land not over fifty (50) feet in width at the junction of, and fronting on, two intersecting streets, having an area not greater than five thousand (5000) square feet and a frontage as

one of the intersecting streets not greater than one hundred (100) feet.

30. Lot, Depth: The mean distance between its mean front street line and its mean rear line. The greater frontage of a corner lot is its depth, and its lesser frontage, its width.

31. Lot, Interior: A lot other than a corner lot.

32. Lot, Width: The mean width of a lot measured at right angles to its depth.

33. Lunch Wagon: Any prefabricated structure brought in complete form to, or assembled on the site, designed to be used for the serving of food.

34. Non-Conforming Use: Any building or land lawfully occupied by a use at the time of the effective date of this ordinance or amendments thereto which does not conform after the effective date of this ordinance or amendments thereto, with the use regulations of the district in which it is situated.

35. Parking Area; Private: Any land area used or intended to be used for the storage of motor vehicles and for which a fee is not charged.

36. Parking Area; Public: Any land area used or intended to be used for the storage of motor vehicles and for which a fee is charged.

37. Parking Area; Semi-Public: Any land area provided by the owner of a dwelling that is used or intended to be used for the storage of non-commercial motor vehicles owned by the tenants of said dwelling.

38. Place: An open, unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.

39. Porch, Open: A roofed piazza, porch or portecochere not more than one story in height which projects beyond the main wall of a building into a required yard. The columns supporting its roof shall present the minimum of obstruction to the view, and any sash placed between the columns during the winter season shall be glazed with clear glass.

40. Rooming House: A dwelling other than a hotel,

where, for compensation, lodging is provided for more than two (2) persons, but not exceeding twenty (20) persons.

41. Story: The space between any finished floor of a building and the next finished floor above, excepting that a cellar or basement shall not be considered as a story. A half-story is a portion of a building between a finished floor and the roof construction above, where the space thus enclosed has an average clear height of not more than five (5) feet.

42. Street: Any road, avenue, street, lane, alley or other way commonly used by the public for street purposes.

43. Street Width: The mean of the distance between the street lines thereof within a block. Where a street borders a public park, or a navigable body of water, the width of such street may be taken as the width of such street, plus the width of such public park or body of water, provided that the maximum width of such street shall not be considered more than 100 feet, measured at right angles to the street line.

44. Street Line: The dividing line between the street and the lot.

45. Street Wall: of a building, at any level, is the wall or part of the building (other than a one-story open porch), nearest to the street line.

46. Structure: That which is built of fabricated or manufactured building materials and placed either above or below the ground.

47. Structural Alteration: Any change in the supporting members of a building or structure, or any enlargement of a structure, whether by extending on any side or by increasing in height, or the moving from one location or position to another.

48. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as provided in Section 16. In measuring a yard for purposes of determining the required width of a side yard, the required depth of a front yard or the required depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

49. Yard, Front: A yard extending across the street side of a lot measured between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches, except as otherwise provided in this ordinance.

50. Yard, Rear: A yard extending across the rear of a lot measured between the rear lot line and the rear of the main building, or any projection thereof, other than steps, unenclosed balconies or unenclosed porches except as otherwise provided in this ordinance. The rear yard shall be at the opposite end of the lot from the front yard and on corner lots it shall extend across the narrowest part of the lot.

51. Yard, Side: A yard between the building and the side line of the lot which shall be considered to extend from the required rear yard to the street line of the lot.

## Section 2. DISTRICTS AND BOUNDARIES THEREOF

1. In order to regulate and restrict the location of buildings and land intended for trade, industries, residences or other purposes; to regulate and limit the intensity of the use of land and the density of population; and to regulate and determine the size of yards and other open spaces surrounding buildings; the City of Newark is hereby divided into districts, of which there shall be eleven (11) in number known as: -

1. First Residence District
2. Second Residence District
3. Third Residence District
4. Fourth Residence District
5. First Business District
6. Second Business District
7. Third Business District
8. Fourth Business District
9. First Industrial District
10. Second Industrial District
11. Third Industrial District

2. The boundaries of the districts are shown upon the map designated as the "District Map", approved by the Board of Commissioners of the City of Newark as



part of this ordinance and filed in the office of the Superintendent of Buildings of the City of Newark. Said "District Map" and all notations, references and other information shown thereon, are a part of this ordinance and have the same force and effect as if the "District Map" and all notations, references and other information shown thereon, were all fully set forth or described herein.

3. Except as in this ordinance otherwise provided:

a. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered for use; nor shall any building, or structure, or land, be used or changed in use which does not comply with all of the district regulations established by this ordinance for the district in which the building or structure or land is located.

b. The yard regulations and the lot area per family provisions required by this ordinance shall be considered minimum regulations for each and every building or structure existing at the time of the effective date of this ordinance and for any building or structure hereafter erected or structurally altered. No land required for yards or for lot area per family provisions for an existing building or structure or required for any building or structure hereafter erected or structurally altered shall be considered as a yard or for a lot area for any other building or structure.

c. The requirements of the New Jersey Tenement House law shall apply to the size of rear and side yards and courts of multiple dwellings unless the provisions of this ordinance are more stringent, in which case, this ordinance shall prevail.

d. Every building or structure hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building or structure and its accessory buildings on one lot.

e. Every building or structure hereafter erected or structurally altered, shall provide garage space or a parking area in compliance with all of the district regulations established by the ordinance for the district in which the building or structure is located.

Section 3. FIRST RESIDENCE DISTRICT REGULATIONS

1. The regulations set forth in this section or set forth elsewhere in this ordinance when referred to in this section, are the district regulations in the First Residence Districts.

2. Use Regulations: A building or premises shall be used only for the following purposes:

- (a) Single family detached dwellings.
- (b) Parks and playgrounds owned and operated by the City of Newark or the Essex County Park Commission.
- (c) Public schools, elementary and high, and private schools having curricula the same as ordinarily given in public schools, except nursery schools.
- (d) Churches
- (e) Publicly owned museums, libraries or community buildings.
- (f) The office of a physician, surgeon or dentist when situated in the same building used by such physician, surgeon or dentist as his private residence and where not more than one name plate is used in connection with the professional use, which name plate does not exceed one square foot in area, and is affixed flush to the building.
- (g) Accessory buildings, including a private garage, when located in accordance with the provisions of Section 14 of this ordinance. No accessory building shall be constructed upon a lot until the construction of the main buildings have been actually commenced, and no accessory building shall be used unless the main building on a lot is completed and used.
- (h) One (1) temporary sign, not exceeding six (6) square feet in area, or signs aggregating not to exceed six (6) square feet in area, appertaining to the lease, hire or sale of the building or premises on which the sign is displayed.

- (1) Church bulletin boards and signs for the display of names of educational institutions not exceeding an aggregate of ten (10) square feet in area.

3. Height Regulations: Except as hereinafter provided in Section 16 hereof, no building shall exceed two and one-half ( $2\frac{1}{2}$ ) stories or thirty-five (35) feet in height.

4. Area Regulations:

(a) Front yard.

(1) There shall be a front yard having a depth of not less than fifteen (15) feet unless twenty-five (25) per cent or more of the frontage on that side of the street between two (2) intersecting streets is improved with buildings, a majority of which have observed an average front yard line having a variation in depth of not more than six (6) feet, in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet.

(2) Interior lots having a frontage on two (2) streets shall have a front yard on each street as provided by (1) above.

(3) Except as otherwise provided in this section, where front yards have been established or may be required on each of two (2) intersecting streets, there shall be a front yard on each street side of a corner lot, provided, however, that the width of such lot for building purposes shall not be reduced to less than twenty-six (26) feet and no accessory building shall project into the front yard on either street. No front yard on the longer side of a corner lot need exceed twelve and one-half ( $12\frac{1}{2}$ ) feet.

(b) Side Yard:

There shall be a side yard on each side of a building having a width of not less than ten (10) per cent of the average width of the lot, provided, however, that one such side yard need not exceed three and one-half ( $3\frac{1}{2}$ ) feet.

(c) Rear Yard: Except as hereinafter provided in

Section 16, there shall be a rear yard having a depth of not less than twenty-five (25) per cent of the average depth of the lot, provided, however, that such rear yards need not exceed fifty (50) feet.

(d) Lot Area per Family: There shall be a lot area of not less than four thousand (4000) square feet and a lot width of not less than forty (40) feet, provided, however, that lots having less area, or less width than herein required, and of record at the time of the effective date of this ordinance, may be used for any purpose permitted in this section.

(e) Courts:

(1) The least dimension at any given height of any inner court shall be at least two inches to each one foot of height of bounding wall, but in no case less than four feet and need not exceed fifteen (15) feet. The area of an inner court shall be at least twice the square of the required least dimension.

(2) The least dimension at any given height of any outer court shall be at least 1½ inches to each one foot of height of bounding wall, but in no case less than 3½ feet and need not exceed ten (10) feet.

Section 4. SECOND RESIDENCE DISTRICT REGULATIONS

1. The regulations set forth in this section or set forth elsewhere in this ordinance when referred to in this section are the District Regulations of the Second Residence Districts.

2. Use Regulations:

A building or premises shall be used only for the following purposes:

(a) Any use permitted in the First Residence Districts. (Sec. 3, Para. 2.  
Page 9)

(b) Home occupations.

(c) Two, three and four-family dwellings.

(d) Garden Apartments.

(e) Clubs, except those the chief activity

of which is a service customarily carried on as a business.

- (f) Nursery schools.
- (g) Signs, pertaining to Nursery schools or clubs, provided only one sign not exceeding four (4) square feet in area may be erected or maintained on any lot or buildings and provided further that the sign shall not be located nearer to the street line than the average setback of the block.
- (h) Accessory buildings and uses customarily incident to the above uses including storage garages when located in accordance with Section 14 of this ordinance, or when constructed as a part of the main building, not exceeding a capacity of one motor vehicle for each dwelling unit.

3. Height Regulations: The height regulations are the same as those in the First Residence Districts.  
(Sec. 3, Par. 3, Page 10)

4. Area Regulations:

- (a) Front yard. The front yard regulations are the same as those in the First Residence Districts.  
(Sec. 3, Par. 4a, Page 10)
- (b) Side yard. The side yard regulations are the same as those in the First Residence Districts.  
(Sec. 3, Par. 4b, Page 10)
- (c) Rear yard. The rear yard regulations are the same as those in the First Residence Districts.  
(Sec. 3, Par. 4c, Page 11)
- (d) Lot Area per family. One family shall be permitted for each fifteen hundred (1500) square feet of lot area.
- (e) Courts. The court regulations are the same as those in the First Residence Districts. (Sec. 3, Par. 4e, Page 11).

#### 4. Parking Regulations.

Multiple dwellings and garden apartments shall provide garage space sufficient to accommodate one motor vehicle for each three dwelling units, and two-family dwellings shall provide garage space sufficient to accommodate one motor vehicle for each two dwelling units.

#### Section 5. THIRD RESIDENCE DISTRICT REGULATIONS

1. The regulations set forth in this section or set forth elsewhere in this ordinance when referred to in this section are the district regulations in the Third Residence Districts.

##### 2. Use Regulations:

A building or premises shall be used only for the following purposes:

- (a) Any use permitted in the Second Residence District. (Sec. 4, Para. 2, Page 11)
- (b) Multiple Dwellings of more than four families.
- (c) Hospitals and medical clinics, excepting veterinary hospitals.
- (d) Boarding and rooming houses.
- (e) Convalescent and Nursing Homes.
- (f) Nurseries and greenhouses.
- (g) Eleemosynary or philanthropic institutions.
- (h) Signs pertaining to multiple dwellings, boarding and rooming houses, hospitals, clinics, convalescent and nursing homes, eleemosynary and philanthropic institutions and nurseries and greenhouses, provided only one sign not exceeding eight (8) square feet in area may be erected or maintained on any building or lot and provided further that the sign shall not be located in any required front yard.

### 3. Height Regulations:

Except as hereinafter provided in Section 16 hereof, no building shall exceed four (4) stories or sixty (60) feet in height.

### 4. Area Regulations:

#### (a) Front Yard.

(1) There shall be a front yard having a depth of not less than ten (10) feet unless twenty-five (25) per cent or more of the frontage on that side of the street between two (2) intersecting streets is improved with buildings, a majority of which have observed an average front yard line having a variation in depth of not more than six (6) feet, in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than twenty-five (25) feet.

(2) Interior lots having a frontage on two (2) streets shall have a front yard on each street as provided by (1) above.

(3) Where front yards have been established or may be required on each of two (2) intersecting streets, there shall be a front yard on each street side of a corner lot, provided, however, that the width of such lot for building purposes shall not be reduced to less than twenty-six feet and no accessory building shall project into the front yard on either street.

#### (b) Rear Yard.

Except as hereinafter provided in Section 16, there shall be a rear yard having a depth of not less than twenty (20) percent of the average depth of the lot, provided, however, that such rear yards shall not be less than twenty (20) feet and need not exceed fifty (50) feet.

(c) Lot Area per Family.

One family shall be permitted for each six hundred twenty five (625) square feet of lot area.

(d) Courts.

The court regulations are the same as those in the First Residence Districts. (Sec. 3, Para. 42, Page 11).

5. Parking Regulations.

Multiple dwellings shall provide garage space sufficient to accommodate one motor vehicle for each three (3) dwelling units. Garage space may be located in the main building, or in an accessory building or in a semi-public parking area on the lot occupied by the main building.

Section 6. FOURTH RESIDENCE DISTRICT REGULATIONS

1. The regulations set forth in this section or set forth elsewhere in this ordinance when referred to in this section are the district regulations in the Fourth Residence Districts.

2. Use Regulations. A building or premises shall be used only for the following purposes:

(a) Any use permitted in the Third Residence Districts. (Sec. 5, Para. 2, Page 13).

(b) Hotels, in which services customarily incident to the operation thereof, may be conducted for the convenience of the occupants of the hotel provided there is no advertising sign, no show window, nor any entrance to such place of business except from the inside of the building. A name plate not exceeding five square feet in area may be attached to the wall of a hotel at the entrance but there shall be no illuminated sign, display or other form of sign or advertisement.

3. Height Regulations. Except as hereinafter provided in Section 16, no building shall exceed ten



(10) stories or one hundred twenty (120) feet in height.

#### 4. Area Regulations.

(a) Front yard. The front yard regulations are the same as those in the Third Residence Districts. (Sec. 5, Para 4~~a~~, Page 14).

(b) Rear Yard. Except as provided in Section 16, there shall be a rear yard having a depth of not less than twenty (20) feet for interior lots and not less than ten (10) feet for corner lots.

(c) Lot Area per Family. One family shall be permitted for each two hundred fifty (250) square feet of lot area.

(d) The court regulations are the same as those in the First Residence Districts. (Sec. 3, Para. 42, Page 11).

#### 5. Parking Regulations.

The parking regulations are the same as those in the Third Residential Districts, except that hotels shall provide garage space sufficient to accommodate one motor vehicle for each four (4) guest rooms. Garage space may be located in the main building, or in an accessory building, or in a semi-public parking area on the lot occupied by the main building.

#### Section 1. FIRST BUSINESS DISTRICT REGULATIONS.

1. The regulations set forth in this section or set forth elsewhere in this ordinance when referred to in this section, are the district regulations in the First Business Districts.

2. Use Regulations: A building or premises,

shall be used only for the following purposes:

- (1) Any use permitted in the Fourth Residence Districts. (Sec. 6, Par. 2, Page 15).
- (2) Bakeries whose products are sold only at retail and only on the premises.
- (3) Barber shops and beauty parlors.
- (4) Household appliance repair.
- (5) Offices.
- (6) Private parking areas.
- (7) Restaurants.
- (8) Sales or show rooms -- other than automobile sales or show rooms.
- (9) Retail shops for the collection and distribution of clothing and other materials for dyeing and cleaning establishments and laundries.
- (10) Stores and shops for the conduct of a retail business.
- (11) Studios.
- (12) Theatres and motion picture houses.
- (13) Accessory buildings and uses customarily incident to the above uses when located upon the same lot with the building or use to which it is accessory, including storage garages having capacities of not more than one vehicle for each one thousand (1000) square feet of lot area; provided such garages may not be used for the storage of commercial vehicles having a capacity of more than one and one-half tons.
- (14) Signs aggregating not to exceed eight (8) square feet in area appertaining to the lease, hire or sale of a building or premises.
- (15) Signs advertising a business or any product sold on the premises, provided such sign shall be placed flat against the building wall, and shall not exceed thirteen (13) square feet in area.

Any building used primarily for any of the above enumerated purposes may have not more than forty (40) percent of the floor area devoted to storage purposes incidental to such use.

3. Height Regulations: The height regulations are the same as those in the Second Residence Districts. (Sec. 4, Par. 3, Page 12).

#### 4. Area Regulations.

(a) Front Yard. Where all the frontage on one side of the street, between two intersecting streets, is located in the Business District, no front yard shall be required. Where the frontage on one side of the street, between two intersecting streets, is located partly in the Business District and partly in a Residence District, the front yard requirements of the Residence District shall apply to the entire frontage in both districts.

(b) Side Yard. Where the side of a lot abuts upon a dwelling district, there shall be a side yard of not less than five (5) feet.

(c) Rear Yard. Except as hereinafter provided in Section 16, the rear yard regulations are the same as those in the Third Residence District. (Sec. 5, Para. 4c, Page 14).

(d) Lot Area per Family. The lot area per family regulations are the same as those in the Third Residence Districts. (Sec. 5, Para. 4d, Page 15).

(e) Courts. The court regulations are the same as those in the First Residence Districts. (Sec. 3, Para. 4e, Page 11).

#### Section 8. SECOND BUSINESS DISTRICT REGULATIONS.

1. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section are the district regulations in the Second Business Districts.

2. Use Regulations: A building or premises may be used for any purpose except the following:

- (1) All uses excluded from the Fourth Business Districts (Sec. 10, Para. 2, Page 20), or from the First Industrial District. (Sec. 11, Para. 2, Page 22).
- (2) Carousels, ferris wheels, etc.
- (3) Cemetery or mausoleum.
- (4) Ice plant or storage yard of more than five (5) tons capacity.
- (5) Laundry, other than hand laundries or launderettes.

- (6) Public Garages
- (7) Storage warehouses
- (8) Tire re-capping or re-treading where more than two (2) machines are employed.
- (9) Any kind of manufacture, assembling, or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a business conducted on the premises.

3. Height Regulations: The height regulations are the same as those in the Third Residence Districts. (Sec. 5, Para. 3, Page 14).

4. Area Regulations:

(a) Side Yards are not required, unless the side of a lot abuts a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

(b) Rear Yard. Except as hereinafter provided in Section 16, there shall be a rear yard of not less than twenty (20) feet for interior lots, nor less than ten (10) feet for corner lots.

(c) Buildings erected, or structurally altered for dwelling purposes, shall comply with the rear yard and lot area per family regulations of the Third Residence Districts. (Sec. 5, Para. 4b and 4c, Pages 14 and 15).

(d) Courts. The least dimensions at any given height of any inner court shall be at least  $1\frac{1}{2}$  inches to each one foot of bounding wall, but in no case less than four (4) feet, and need not exceed twenty (20) feet. The area of an inner court shall be at least twice the square of the required least dimension.

(e) The least dimension at any given height of any outer court, shall be at least one and one-half ( $1\frac{1}{2}$ ) inches to each one foot of height of bounding wall, but, in no case, less than three and one half ( $3\frac{1}{2}$ ) feet, and need not exceed fifteen (15) feet.

Section 7. THIRD BUSINESS DISTRICT REGULATIONS.

1. The regulations set forth in this section, or set forth elsewhere in this ordinance when referred to in this section, are the district regulations in the Third Business District.

2. Use Regulations: A building or premises may be used for any of the following purposes:

Any use permitted in the Second Business Districts. (Sec. 8, Para. 2, Page 18).

3. Height Regulations: The height regulations are the same as those in the Fourth Residence Districts. (Sec. 6, Para. 3, Page 15).

4. Area Regulations: Buildings erected, or structurally altered for dwelling purposes, shall comply with the ~~minimum~~ rear yard and lot area per family regulations of the Fourth Residence Districts. (Sec. 6, Para. 4b, c, d, Page 16). The court regulations are the same as those in the Second Business Districts. (Sec. 8, Para. 4d, Page 19).

#### Section 20. FOURTH BUSINESS DISTRICT REGULATIONS.

1. The regulations set forth in this section, or set forth elsewhere in this ordinance when referred to in this section, are the district regulations in the Fourth Business District.

2. Use Regulations: A building or premises may be used for any purpose, except the following:

- (1) Any use excluded from the First Industrial Districts. (Sec. 11, Para. 2, Pages 22 & 23).
- (2) Assaying of precious metals.
- (3) Automobile sales lot.
- (4) Automobile body and fender repair.
- (5) Bakery.
- (6) Bag cleaning.
- (7) Blacksmithing or Horse-shoeing shop.
- (8) Bottling Plant or Station for the wholesale distribution of bottled goods.
- (9) Building materials storage yard.
- (10) Carting, express, hauling, or storage yard.
- (11) Candle manufacture.
- (12) Cement block manufacture.
- (13) Cleaning and dyeing establishments using more than one cleaning unit, or using a cleaning fluid which has an inflammable base.
- (14) Coal, coke or wood yard.
- (15) Contractor's plant or storage yard.
- (16) Cooperage works.
- (17) Disinfectant, exterminator, or insecticide manufacture.

- (18) Dog Pound.
- (19) Emery Cloth and sandpaper manufacture.
- (20) Enameling, japanning or lacquering.
- (21) Fish smoking and curing.
- (22) Gasoline filling station.
- (23) Ice manufacture, or cold storage plant from which ice is sold for delivery away from the premises.
- (24) Livery Stable.
- (25) Lumber or lumber products storage.
- (26) Lunch Wagon.
- (27) Machine Shop.
- (28) Mattress Manufacture or renovator.
- (29) Milk distributing station.
- (30) Paper, paper box and Pulp Manufacture.
- (31) Pickle, Sauerkreut or vinegar manufacture.
- (32) Public garage, except those in which the sale of gasoline or oil and the servicing of motor vehicles is incidental to the use of the premises for parking or storage of motor vehicles and in which no repair work is carried on.
- (33) Sheet metal works.
- (34) Shoe polish manufacture.
- (35) Snuff manufacture.
- (36) Stone yard or monumental works, inclusive of cutting, carving, lettering, dressing of stone, or artificial stone, or the manufacture of artificial stone and stone substance, and also the storing or display for commercial or advertising purposes, or purposes of sale, in any building or on any premises, of stone or artificial stone for building purposes, monuments, tombstones, gravestones or grave markers.
- (37) Stove polish manufacture.
- (38) Washing fluid, mixing, bottling or manufacture of
- (39) Wood working plant.

No building or premises shall be used for any kind of manufacturing, repairing, alteration, converting or finishing which uses an aggregate mechanical force of more than fifteen (15) horsepower, or which is operated by a steam plant carrying steam at over forty (40) pounds pressure, or for the manufacture of products, the major portion of which is to be sold other than at retail, on the premises to the ultimate consumer.

### 3. Height Regulations: Except as hereinafter pro-



- (18) Fat rendering
- (19) Fertilizer manufacture
- (20) Flour and grain milling
- (21) Forge Plant
- (22) Fur cutting or pasting
- (23) Gas manufacture and storage
- (24) Glue, size or gelatine manufacture
- (25) Incineration or reduction of garbage, offal, dead animals or refuse
- (26) Iron, steel, brass or copper foundry
- (27) Lamp black manufacture
- (28) Match manufacture
- (29) Oilcloth or linoleum manufacture
- (30) Paint, oil, varnish or turpentine manufacture
- (31) Petroleum refining, or the storage of petroleum or its products in excess of 30,000 gallons
- (32) Planing mill and saw mill
- (33) Plastics or articles from plastics having a pyroxyline or nitro-cellulose base, manufacture of
- (34) Potash works
- (35) Printing ink manufacture
- (36) Raw hide or skins, storage, curing, pickling, tanning or re-tanning
- (37) Rock crusher
- (38) Rolling Mill
- (39) Rubber manufacture from the crude material
- (40) Slaughtering of animals or fowls
- (41) Smeiters and foundries
- (42) Soap manufacture
- (43) Starch, glucose or dextrine manufacture
- (44) Stock yards
- (45) Sugar refining
- (46) Sulphurous, sulphuric, nitric or hydrochloric acid manufacture
- (47) Tallow, grease or lard manufacture or refining
- (48) Tar distillation or manufacture
- (49) Tar roofing or tar water proofing manufacture
- (50) The dismantling or storage of dismantled automobiles or used parts thereof, or the storage or baling of scrap paper, iron, bottles, scrap or junk.
- (51) Truck terminals
- (52) Wool Pulling
- (53) Yeast Plant



- (54) Any other trade, industry or use that is noxious or offensive by reason of the emission of odor, dust, smoke or noise.

3. Height Regulations: Except as hereinafter provided in Section 16, no building shall exceed a height of three (3) stories or forty-five (45) feet.

4. Area Regulations:

(1) The rear yard regulations for dwellings are the same as those in the Third Residential Districts. (Sec. 5, Para. 4b, Page 14).

(2) Lot Area per Family. The lot area per family regulations are the same as those in the Third Residence Districts. (Sec. 5, Para. 4d, Page 15).

(3) Courts. The court regulations are the same as those in the Second Business District. (Sec. 8, Para. 4d, Page 19).

Section 12. SECOND INDUSTRIAL DISTRICT REGULATIONS.

1. The regulations set forth in this section or set forth elsewhere in this ordinance when referred to in this section are the district regulations in the Second Industrial Districts.

2. Use Regulations.

A building or premises shall be used only for the following purposes:

Any use permitted in the First Industrial Districts. (Sec. 11, Para. 2, Page 22).

3. Height Regulations.

The height regulations are the same as those in the Fourth Business Districts. (Sec. 10, Para. 3, Page 21).

4. Area Regulations.

1. Yards. The rear yard regulations for dwellings are the same as those in the Fourth Residence Districts. (Sec. 6, Para. 4b, Page 16).

2. Lot Area per Family. The lot area per

family regulations are the same as those in the Fourth Residence Districts. (Sec. 6, Para. 4d, Page 16).

3. Courts. The court regulations are the same as those in the Second Business Districts. (Sec. 8, Para. 4d, Page 19).

### Section 13. THIRD INDUSTRIAL DISTRICT REGULATIONS.

1. The regulations set forth in this section or set forth elsewhere in this ordinance when referred to in this section are the district regulations in the Third Industrial Districts.

#### 2. Use Regulations.

A building or premises may be used for any purpose whatsoever not in conflict with any ordinance of the City of Newark regulating nuisances; provided, however, that no building or premises shall be used and no building shall be erected or structurally altered for use for dwelling purposes except that dwelling quarters may be established in connection with any industrial establishment for one watchman employed upon the premises.

#### 3. Height Regulations.

The height regulations are the same as those in the Fourth Business Districts. (Sec. 10, Para. 3, Page 22).

4. Courts. The court regulations are the same as those in the Second Business Districts. (Sec. 8, Para. 4d, Page 19).

### Section 14. LOCATION OF ACCESSORY BUILDINGS IN RESIDENCE DISTRICTS.

Accessory buildings shall conform to the following regulations as to their location upon the lot:

1. No accessory building shall be erected or altered in an interior lot fronting upon only one street so as to encroach upon that half of the lot depth nearest the street.

No accessory building shall be erected or altered on an interior lot fronting upon two streets so as to encroach upon that fourth of the lot depth

nearest either street.

3. On corner lots, no accessory building shall be located within three feet of its rear lot line or side lot line when such line forms part of the front half of the side line of an adjacent interior lot, or nearer any street line than the setback line to be observed by adjacent buildings, and in no case, less than four feet from the street line.

4. Notwithstanding any requirements in this section, the foregoing regulations shall not prohibit any accessory building fifty feet or more from any street line.

5. The limitations imposed by this section upon the location of an accessory building shall be waived when the accessory building is incorporated as an integral part of, and enclosed by the same enclosing walls as the building to which it is accessory.

#### Section 15. NON-CONFORMING USES

Any non-conforming use or structure existing at the time of the passage of this ordinance may be continued upon the lot or in the building so occupied, and any such structure may be restored or repaired in the event of partial destruction thereof, provided, however that nothing contained herein shall be deemed to constitute a waiver of a violation of any other ordinance heretofore enacted.

No non-conforming use shall be extended at the expense of a conforming use.

#### Section 16. ADDITIONAL USE HEIGHT AND AREA REQUIREMENTS.

1. The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

##### 2. Additional Use Regulations.

###### (a) Gasoline Filling Stations.

(1) No gasoline filling station shall be built on a corner lot having a width of less than sixty (60) feet and an area of less than four thousand (4,000) square feet; or on an interior lot having a width of less than one hundred (100) feet and an area of less than four thousand, (4,000) square feet.

(2) Pump islands and greasing pits or lifts shall not be less than twelve (12) feet from any street line.

(3) A masonry wall at least four (4) feet high and not less than six (6) inches thick shall be built on any property line other than a street line.

(4) Driveways: Driveways shall cross the sidewalk at right angles and shall not be more than eighteen (18) feet wide at any point thereof. Driveways must be at least ten (10) feet from any side lot line or from the intersection of street lines. There shall be no more than one (1) driveway on any one (1) street frontage unless the street frontage is in excess of seventy (70) feet, in which case there may be a maximum of two (2) driveways on such street frontage provided such driveways are ten (10) feet apart.

(5) Curbing: A raised concrete curb at least eight (8) inches in height and six (6) inches wide at the top, shall be constructed along all street lines, except at driveways.

(6) Paving: The entire area of the station traversed by motor vehicles shall be hard surfaced.

(b) Public Parking Areas.

(1) No public parking area shall occupy a lot containing less than six thousand (6,000) square feet.

(2) A masonry wall or wire fence at least four (4) feet high shall be built on all street lines except at driveways permitted herein.

(3) Driveways shall cross the sidewalk at right angles and shall not be more than eighteen (18) feet wide at any point thereof. Driveways must be at least five (5) feet from any side lot line or ten (10) feet from the intersection of the street lines. There shall be no more than one (1) driveway on any one (1) street frontage unless the street frontage is in excess of seventy-five (75) feet, in which cases there may be a maximum of two (2) driveways provided such driveways are ten (10) feet apart.

(4) The entire area traversed by motor vehicles shall be hard surfaced.

3. Additional Area Regulations.

(a) The area required in a court or yard at any given level shall be open from such level to the sky, unobstructed, except for the ordinary projections of skylights and parapets above the bottom of such court or yard, and except for the ordinary projections of window sills and belt courses to the extent of not more than four inches. Cornices and other ornamental features may extend into such court or yard to the extent of not more than twelve inches.

(b) An open or lattice enclosed iron fire-escape, fireproof outside stairway, or solid-floored balcony to a fire tower may project not more than four feet into a rear yard or an inner court, except that an open or lattice-enclosed iron fire-escape may project not more than eight feet into a rear yard or into an inner court, when it does not occupy more than twenty percent of the area of such inner court.

(c) A corner of a court or yard may be cut off between walls of the same building, provided that the length of the wall of such cut-off does not exceed seven feet.

(d) Windows opening on an offset to a court or yard shall be deemed to comply with the provisions of this ordinance provided such offset is no deeper in any part than it is wide on the open side. The open side of such offset shall in no case be less than six feet. The area contained in such offset shall, in no case, be included in computing the required area of a court or yard.

(e) A one-story open porch may project into a required front yard for a distance not greater than eight feet.

(f) No rear yard shall be required on corner lots occupied by business or industrial buildings in Business or Industrial Districts.

(g) In Residence Districts, accessory buildings may occupy forty (40) percent of the required area of a rear yard up to a height of eighteen (18) feet above the curb level.

(h) Chimneys or flues may be erected within a side or rear yard, provided they do not exceed five (5) square feet in area in the aggregate and do not obstruct ventilation.

(i) In computing the depth of a rear yard when the rear yard opens onto a public alley, one-half (½) of the width of the alley may be considered to be a portion of the rear yard.

#### 4. Additional Height Regulations.

(a) In Business and Industrial Districts, a dormer, elevator, bulkhead or other structure may be erected above the height limit at any level for any part of a building, provided its frontage length on any given street be not greater than fifty (50%) percent of the length of such street frontage of such part of the building. Such frontage length of such structure at any given level shall be decreased by an amount equal to one (1%) percent of such street frontage of such part of the building for every foot such level is above such height limit. If there are more than one such structures, their aggregate frontage shall not exceed the frontage length above permitted at any given level.

(b) The height regulations shall not apply to the erection of church spires, radio towers or antenna, belfries, chimneys, flues, grain elevators or gas holders, nor to bulkheads, elevator enclosures or water tanks occupying in the aggregate less than ten (10) percent of the area of the roof on which they are located.

(c) Nothing in this ordinance shall prevent the projection of a cornice beyond the street wall to an extent of not more than three (3) feet, nor prevent the erection above the height limit of a parapet wall or cornice extending above such height limit not more than five (5) feet.

(d) In the Fourth Business and Second and Third Industrial Districts, if the area of a building is reduced so that above a given level it covers in the aggregate, not more than 25 per cent of the area of the lot, the building above such level shall be exempted from the height regulations. Such portion of the building may be erected to any height provided that it sets back from each of its lot lines at every level at least one inch for each one foot that such level is

above the curb level.

(e) Along a narrower street near its intersection with a wider street, any building or part thereof fronting on the narrower street within 200 feet, measured at right angles to the side of the wider street, shall be governed by the height regulations provided for the wider street. A corner building on such intersecting streets shall be governed by the height regulations provided for the wider street for 200 feet from the side of such wider street, measured along such narrower street.

### Section 17. BOARD OF ADJUSTMENT

1. A Board of Adjustment is hereby established which shall consist of five (5) members. The terms of office of the members of the Board and the manner of their appointment shall be as provided in Chapter 274 of the laws of 1929. The Board may elect one of its members chairman and one vice-chairman. The chairman shall preside at all meetings of the Board. In the absence of the chairman, the vice-chairman shall preside. The Board shall appoint a secretary together with such other subordinates as may be needed for the conduct of the work of the Board.

2. Meetings: The meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

3. Appeals: Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Newark affected by any decision of the Superintendent of Buildings. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Superintendent of Buildings and with the Board, a notice of appeal specifying the grounds thereof. The superintendent of Buildings shall forthwith transmit to the Board all the papers

constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Superintendent of Buildings certifies to the Board, after notice of appeal shall have been filed with him that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the court of chancery on application or notice to the Superintendent of Buildings and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal giving due notice thereof to the appellant. Said hearing shall be at least five days prior to the time appointed for said hearing give personal notice to all property owners within two hundred feet of the property to be affected by said appeal. Such notice shall be given either by handing a copy thereof to the said property owners or by leaving a copy thereof at their usual place of abode, if said owners are the occupants of the property affected by said appeal or are residents of the City of Newark.

Whenever said owners are non residents of said municipality due notice may be given by sending written notice thereof by registered mail to the last known address of the property owner or owners, as shown by the most recent tax lists of said municipality. Where the owner is a partnership, service upon any partner as above provided, shall be sufficient, and where the owners are corporations, service upon any officer as above set forth, shall be sufficient. The appellant shall by affidavit present satisfactory proof to the said Board at the time of the hearing that said notices have been duly served as aforesaid. Upon the hearing any party may appear in person or by agent or by attorney.

Whenever an appeal shall be taken to the Board said Board shall render its decision upon such appeal within sixty days from the date of the hearing on such appeal, and in any event within ninety days from the date of filing of the appeal as herein provided, and upon failure to do such appeal at the expiration of such time shall be deemed to be decided adversely to the appellant in the same manner as



No writ of certiorari to review any decision of the  
of the Board. The allowance of the writ shall not stay pro-  
the court.

it shall be its duty (a)  
appellant that there is error in any order, requirement,  
in the enforcement of this ordinance. (b) whereby reason  
of exceptional narrowness, shallowness, or shape of a speci-

tions of such piece of property, the strict appl

such strict application so as to relieve such if

in a district restricted against such structure or use.

permit for such structure or use. (d) hear and decide ex-

this ordinance. (e) interpret the provisions of this ordi-

attached to and made a part of this ordinance. (f) recommend  
to the Board of Commissioners that permits be granted for the  
following buildings or uses in any district from which they  
are prohibited.

(1) Any public building erected and used t



other open spaces than are imposed or required by such existing provision of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this ordinance shall control.

#### Section 19. ENFORCEMENT. LEGAL PROCEDURE. PENALTIES.

This ordinance shall be enforced by the Director of Public Safety through the Superintendent of Buildings. For any and every violation of the provisions of this ordinance, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall, for each and every violation, and for each and every day that such violation continues, be subject to a fine of not more than two hundred (\$200) dollars, or be imprisoned in the County Jail for a term not exceeding ninety days, or both.

#### Section 20. CERTIFICATE OF OCCUPANCY.

(a) It shall be unlawful to use or permit the use of any building or premises, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly in its use or structure, until a certificate of occupancy to the effect that the building or premises, or part thereof so created, erected, changed, converted, or enlarged and the proposed use thereof conform to the provisions of this ordinance, shall have been issued by the Superintendent of Buildings. In the case of such buildings or premises, it shall be the duty of the Superintendent of Buildings to issue a certificate of occupancy within ten days after the request for same shall be filed in his office by any owner of a building or premises, or the part thereof so created, erected, changed, converted or enlarged and the proposed use thereof, conforms with all the requirements herein set forth.

(b) A temporary certificate of occupancy for a part of a building may be issued by the Superintendent of Buildings. Upon application from the owner, the Superintendent of Buildings shall issue a certificate of occupancy for any building or premises existing at the time of passage of this

ordinance certifying, after inspection, the use of the building or premises and whether such use conforms to the provisions of this ordinance.

Section 21. AMENDMENTS, ALTERATIONS AND CHANGES IN DISTRICT LINES.

"The Board of Commissioners may, from time to time, on its own motion, or on petition after public notice and hearing, and after report by the Central Planning Board, amend, supplement or change the regulations and districts herein established. Whenever an owner of property in any district, or part thereof, shall present a petition duly signed and acknowledged to the Board of Commissioners requesting an amendment, change or repeal of the regulations prescribed for such district, or part thereof, it shall be the duty of the Board to vote upon said petition within ninety days after the filing of the said petition with the City Clerk. In case of a protest against such proposed change, signed by the owners of twenty per cent or more, either of the area of the lot included in such proposed change, or of those immediately adjacent in the rear thereof, extending one hundred feet therefrom or of the lots or lands on either side thereof or directly opposite thereto extending one hundred feet therefrom (exclusive of street space), such change shall not become effective except by the favorable vote of two-thirds of all the members of the Board of Commissioners.

When a proposed amendment, supplement or change in the regulations and districts herein established are referred to the Central Planning Board for a report, such Board shall make its report within a reasonable time, not less than thirty days from the date the matter was referred to the Board, and in the case of an unfavorable report by the planning board such amendment, supplement or change shall not become effective except by a favorable vote of two-thirds of all of the Board of Commissioners.

Final action shall not be taken on an application in a change of district boundary line, however, until the City Clerk shall have given due notice in writing of the application and date of hearing thereon to the owners of every property entitled to protest as above mentioned."

If any area is hereafter transferred to another district by a change in district boundaries by an amendment, as above provided, the provisions of this ordinance in regard to buildings or premises existing at the time of the passage of this ordinance shall apply to buildings or premises existing at the time of passage of such amendment in such transferred area.

Section 22. DISTRICT BOUNDARIES.

1. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules shall apply:

(a) The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, the said street or alley shall be construed to be the boundary of such district.

(b) Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, said lot line shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.

(c) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by the scale contained on such map.

(d) In any case, where uncertainty exists as to the exact location of the district boundary lines, such location shall be determined by the Board of Adjustment.

#### Section 23. COMPLETION AND RESTORATION OF EXISTING BUILDINGS.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued.

Nothing in this ordinance shall prevent the restoration of a wall declared unsafe by the Superintendent of Buildings or by a Board of Survey.

#### Section 24. PROPERTY USED BY PUBLIC UTILITIES.

No regulation herein contained shall apply to existing property or to buildings or structures used or to be used by public utilities in furnishing service, if upon a petition of the public utility, the Board of Public Utility Commissioners shall, after a hearing, decide that the present or proposed situation of the building or structure in question is reasonably necessary for the service, convenience or welfare of the public.

Section 25. PUBLIC BUILDINGS.

Nothing in this ordinance shall exclude from any district municipal or governmental buildings necessary to the health, safety and welfare of the community, and any ordinance hereafter enacted providing for such buildings shall not be construed as an amendment to this ordinance or as a waiver of any of the provisions of this ordinance.

Section 26. NEW TERRITORY.

Whenever lands or territory shall hereafter be acquired by annexation, the said lands or territory shall be deemed to be zoned as it was prior to annexation in the municipality from which it was acquired.

Section 27. WHEN EFFECTIVE.

This ordinance shall take effect immediately.